

## REMARKS

Entry of the foregoing, reexamination and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 15-28 were pending. By the present response, claims 15-16, 18-21, 25 and 26 have been amended, claim 17 canceled, and claims 29-30 have been added. Thus, upon entry of the present response, claims 15-16 and 18-30 remain pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: page 4, lines 4-11; and the original claims.

## ***CLAIM REJECTIONS UNDER 35 U.S.C. §102***

Claims 15, 20 and 23-28 stand rejected under 35 U.S.C. §102(b) as being anticipated by WO 01/10545 to Rhodia Terres Rares, as evidenced by U.S. Patent Application Publication No. 2006/0005465 to Blanchard et al. (hereafter "*Blanchard et al.*") on the grounds set forth in paragraph 2 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

The present invention is directed to a colloidal dispersion having a formulation which renders it suitable for a number of different applications. For example, a colloidal dispersion formulated according to the principles of the present invention possesses properties which render it favorable for use as a catalyst to lower the

ignition temperature of soot as a byproduct of combustion of fuel, and to reduce the amount of NO<sub>x</sub> emissions from the combustion thereof.

A colloidal dispersion formulated according to the principles of the present invention is set forth in amended claim 15. Amended claim 15 recites:

*15. A colloidal dispersion comprising particles of a cerium compound, an iron compound, an acid and an organic phase, and comprising a compound of rhodium.*

A method of procuring a dispersion performed according to the principles of the present invention is set forth in amended claim 26. Amended claim 26 recites:

*26. A method for preparing a dispersion, comprising the steps of:*

*a) preparing an aqueous mixture comprising at least one cerium salt, optionally a salt of a rare earth other than cerium and an iron salt, and a salt of rhodium;*

*b) contacting the aqueous mixture of step (a) with a basic medium to form a reaction mixture whose pH is maintained at a basic pH, thereby producing a precipitate; and*

*c) the precipitate obtained in step b) is contacted with the acid and an organic phase, to obtain an organic colloidal dispersion.*

*Blanchard et al.* clearly fails to anticipate the colloidal dispersion or the method set forth in amended claim 15 and 26, respectively.

*Blanchard et al.* is directed to inorganic colloidal dispersion of essentially monocrystalline particles. However, as evident from the above, the colloidal dispersion of amended claim 15 requires, *inter alia*, the presence of a compound of rhodium. Similarly, claim 26 requires, *inter alia*, the step of preparing a mixture comprising a salt of rhodium. *Blanchard et al.* fails to disclose at least these aspects of claims 15 and 26. Thus, *Blanchard et al.* clearly fails to anticipate the colloidal dispersion and method of claims of 15 and 26. Reconsideration and withdrawal of the rejection is respectfully requested.

**CLAIM REJECTIONS UNDER 35 U.S.C. §103**

Claims 15-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Blanchard et al.* on the grounds set forth in paragraph 5 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

As noted above, *Blanchard et al.* fails to disclose a colloidal dispersion including a compound of rhodium, or a method of forming a colloidal dispersion including preparing a mixture including a salt of rhodium. In fact, *Blanchard et al.* also fails to even suggest such a formulation or method. Therefore, amended claims 15 and 26 are also nonobvious with respect to the teachings of *Blanchard et al.* Reconsideration and withdrawal of the rejection is respectfully requested.

**OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 15-28 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17-29 of U.S. Patent Application No. 11/222,603 on the grounds set forth in paragraph 7 of the Official Action.

This rejection is respectfully traversed. As explained above, no part of *Blanchard et al.*, including the claims thereof, disclose or suggest a colloidal dispersion having a formulation which includes a compound of rhodium, or a method which includes the step of preparing a mixture including a salt of rhodium. Thus, reconsideration and withdrawal of the rejection in light of the above mentioned amendments to claims 15 and 26 is respectfully requested.

**CONCLUSION**

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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